BILL NO, S-73-02-22 Amended

SPECIAL ORDINANCE NO. S- 52-73

AN ORDINANCE approving Agreement with BERCOT, INC. for construction of the Neuhaus Ditch Sanitary Sewer.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Sewer Agreement dated July 10, 1972
between BERCOT, INC. as Developer, and the CITY OF FORT WAYNE,
by and through its Mayor and Board of Public Works, for the
construction of a sanitary sewer in the Neuhaus Ditch area,
as follows:

### Branch Sewer

Beginning at an existing chamber located 148 + L.F. South and 50 + L.F. West of the Southeast corner of Northeast 1/4 of Section 27; thence, turning an interior angle of  $63^{\circ}$  52' and project a distance of 220  $\pm$  L.F. West; thence, turning South and projecting a distance of 347 feet; thence, turning an angle of  $131^{\circ}$  34' South and project a distance of 491 feet; thence, turning an angle of  $149^{\circ}$  35' and projecting a distance of 1,174 feet; thence, turning an angle of  $165^{\circ}$  and projecting a distance of 384 feet terminating at a proposed manhole.

### Lateral #1

Beginning at a new manhole located 28  $\pm$  L.F. of the North right of way of Goshen Road (U.S. Hwy. #33); thence, Northwesterly along said North right of way a distance of 3,218  $\pm$  L.F. terminating at a proposed manhole,

### Lateral #1-A

Beginning at a new manhole located 36 ± L.F. South of the Northeast corner of the right of way intersection of Harris and Goshen Roads; thence, North along the east right of way of Harris Road a distance of 1,200 ± L.F. terminating at a proposed manhole.

### Lateral #2

Beginning at new manhole located 27 ± L.F. North and 8 ± L.F. West of the Southwest corner of Lot #1 in Crestwood Addition Amended; thence, turning an angle to the North of 73° and projecting a distance of 450 feet to the right of way of Butler Road; thence, Northeasterly along the South right of way of Butler Road for a distance of 1,034 feet terminating at a proposed manhole.

### Lateral #2-A

Beginning at a new manhole located 15 feet North and 5 feet Bast of the centerline intersection of Butler Road

and Butler Court; thence, Northwesterly along the Bast right of way of Butler Court a distance of 1,094  $\pm$  L.F. terminating at a proposed manhole.

Said sewers shall be 27, 10 and 8 inches in diameter.

All located in the Southwest 1/4 Section 27, Township 31 North, Range 12 East.

the total cost of said sewer to be \$217,773.65, the City's share of the project to be approximately \$140,571.65 with the balance to be paid by the property owners, all as more particularly set forth in said Sewer Agreement, which is on file in the office of the Board of Public Works, and is by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. Incorporated by reference in this Ordinance and made a part hereof and marked Exhibit "A", the same as if herein recited, is a letter from the Board of Public Works addressed to Mr. James S. Stier, Chairman of the Public Works Committee and dated April 30, 1973. All statements contained in said letter of April 30, 1973, marked Exhibit "A", are enacted in this Ordinance.

SECTION 3. That the developer, and any owner or owners of land, their successors in title and assigns, which is now or may hereafter be located outside the corporate limits of the City of Fort Wayne, Indiana, who taps into the sewer main covered in said Agreement, or any extension thereof, shall be deemed to thereby waive his, her, their or its right to remonstrate against or otherwise object to, interfere with, or oppose any pending or future annexation by said City of Fort Wayne, Indiana, of such land or territory in which said land is located.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Councilman

Approved as to form and legality this \_\_\_\_day of \_\_\_\_\_\_, 1973.

City Attorney

Read the first time in full and on motion by Atein, seconded by
Selvicio, and duly adopted, read the second time by title and referred
to the Committee on Oublin Works (and the City Flan
Commission for recommendation) and Public Hearing to be held after due legal notice,
at the Council Chambers, City-County Building, Fort Wayne, Indiana, en,
the
ŏ⁺ <del>clock P.M.,E.</del> S.T.
Date: 2-27-73 Sheeflest Westerman
CITY CLERK
Read the third time in full and on motion by <u>Stein</u> ,
seconded by Jeluis, and duly adopted, placed on its passage.
Passed (Last) by the following vote:
AYES
BURNS
HINGA
KRAUS
MOSES
NUCKOLS
SCHMIDT, D.
SCHMIDT, V.
STIER
TALARICO
DATE: 5/8/73 Shunds W. Wentermen
CITY CLERK
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as (Zoning Map) (General) (Amexation) (Special) (Appropriation) Ordinance (Resolution) No. 452-73 on the 8th day of May 1973.
Marsh Muterany Winfull & Mars TR
CITY CLERK PRESIDING OFFICER
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the
day of May , 1973, at the hour of Oak clock
<u>H.</u> M., E.S.T.
Muslilo-distissum.
Approved and signed by me this 15th day of May , 1973 ,
at the hour of 3.10 o'clock P. M., E.S. T.
Joan H. Febane M

Bill No.	S-73-02-22	(AMENDED)		
2222 1101		REPORT OF THE COMMI	ITTEE ON	PUBLIC WORKS
We. vour	Committee on	Dudy 1 day 10 and an		as referred an Ordinance
, ,				NC. for construction of
		the Neuhaus Ditch Sanit	tary Sewer.	
* A				
have had	said Ordinance	under consideration and	l beg leave t	to report back to the Common
Council	that said Ordin	ance DO PASS.		0 21
	S. Stier - Cha		for	es STher /
Eugue	ene Kraus, Jr	Vice-Chairman	18	iami Kraush.
Samue	el J. Talarico		Dan	well Talasiro
Willi	am T. Hinga		W	Client House
Vivia	ın G. Schmidt		Vine	an G. Sahmedt
			CONCURRED II	٧

DATE\_

CHARLES W. WESTERMAN, CITY CLERK



April 30, 1973

Mr. James S. Stier Chairman, Public Works Committee 3404 Congress Avenue Fort Wayne. Indiana 46806

Subject: Neuhaus Ditch Sanitary Sewer, Resolution 853

Dear Councilman Stier:

Pursuant to your request, this Board has re-evaluated the proposed assessments for the individual properties on the above captioned project. We have just been furnished definitive flood plain data for those areas along the Spy Run Creek. Review of this reflects original assumptions regarding areas within the flood plain were erroneous.

In view of this and other additional information received by this Board, we have determined the following properties will have their assessments adjusted as noted:

Α.	Peter Papagiannis	\$19,500 to \$6,500
В.	Thomas Ember	\$ 7,500 to \$1,000
c.	Wendell Harris	\$12,500 to \$4,500
D.	Finally Corporation	\$ 6,000 to \$4,000
E.	Fort Wayne Musicians	
	Protective Foundation	\$ 8,000 to \$5,000

These adjustments will be given on the following conditions:

- Papagiannis, Ember and Finally Corporation will withdraw from the present litigation on the above captioned project and agree to refrain from any additional litigation regarding the sever, assessment or related easements.
- It is understood if at any time in the future those properties listed under A, B and C are developed, the owner or developer at that time shall pay the difference between the proposed and the adjusted assessments.

Mr. James S. Stier April 30, 1973 Page Two

3. The Fort Wayne Musicians Protective Foundation shall furnish this Board with a copy of the letter to them from the City Department stating sanitary sewers were not planned for their neighborhood for ten years which caused them to install elaborate septic tank-filter bed facilities. An affidavit to this effect will be acceptable if the letter is unavailable.

Sincerely,

BOARD OF PUBLIC WORKS

:rs

cc: Mayor Lebamoff

BILL NO. S-73-02-22

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving Agreement with BERCOT, INC. for construction of the Neuhaus Ditch Sanitary Sewer.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Sewer Agreement dated July 10, 1972 between BERCOT, INC. as Developer, and the CITY OF FORT WAYNE, by and through its Mayor and Board of Public Works, for the construction of a sanitary sewer in the Neuhaus Ditch area, as follows:

### Branch Sewer

Beginning at an existing chamber located 148 + L.F. South and 50 + L.F. West of the Southeast corner of Northeast 1/4 of Southwest 1/4 of Section 27; thence, turning an interior angle of 63° 52' and project a distance of 220 + L.F. West; thence, turning South and projecting a distance of 347 feet; thence, turning an angle of 131° 34' South and project a distance of 491 feet; thence, turning an angle of 149° 35' and projecting a distance of 149° 35' and projecting a distance of 11,174 feet; thence, turning an angle of 15° and projecting a distance of 384 feet terminating at a proposed manhole.

### Lateral #1

Beginning at a new manhole located 28 ± L.F. of the North right of way of Goshen Road (U.S. Hwy. #33); thence, Northwesterly along said North right of way a distance of 3,218 + L.F. terminating at a proposed manhole.

### Lateral #1-A

Beginning at a new manhole located 36 ± L.F. South of the Northeast corner of the right or way intersection of Harris and Goshen Roads; thence, North along the East right of way of Harris Road a distance of 1,200 ± L.F. terminating at a proposed manhole.

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Beginning at a new manhole located 27 ± L.F. North and 8 ± L.F. West of the Southwest corner of Lot #1 in Crestwood Addition Amended; thence, turning an angle to the North of 73° and projecting a dis tance of 450 feet to the right of way of Butler Road; thence, Northeasterly along the South right of way of Butler Road for a distance of 1,034 feet terminating at a proposed manhole.

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Beginning at a new manhole located 15 feet North and 5 feet East of the centerline intersection of Butler Road

and Butler Court; thence, Northwesterly along the East right of way of Butler Court a distance of 1,094  $\pm$  L.F. terminating at a proposed manhole.

Said sewers shall be 27, 10 and 8 inches in diameter.

All located in the Southwest 1/4 Section 27, Township 31 North, Range 12 East.

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SECTION 2. That the developer, and any owner or owners of land, their successors in title and assigns, which is now or may hereafter be located outside the corporate limits of the City of Fort Wayne, Indiana, who taps into the sewer main covered in said Agreement, or any extension thereof, shall be deemed to thereby waive his, her, their or its right to remonstrate against or otherwise object to, interfere with, or oppose any pending or future annexation by said City of Fort Wayne, Indiana, of such land or territory in which said land is located.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Councilman

APPROVED AS TO FORM

CITY ATTORNEY

Read the first time in full and on motion by, seconded by
Jaluico, and duly adopted, read the second time by title and referred
to the Committee on Ruffes Warks (and to the City
Plan Commission for recommendation) and Public Hearing to be held after due legal
notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on
, theday of, 197, at
o'c <del>lock P.M.,E.S.T.</del>
Date: 2-27-73. <u>Olius Mutistirum</u>
Read the third time in full and on motion by,
seconded by, and duly adopted, placed on its passage.
Passed (LOST) by the following vote:
AYES, NAYS, ABSTAINED, ABSENTto-wit:
BURNS
HINGA
KRAUS
NUCKOLS
MOSES
SCHMIDT, D
SCHMIDT, V.
STIER
TALARICO
Date:
CITY CLERK
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution)
No on the day of, 19  ATTEST: (SEAL)
ATTEST: (SEAL)
CITY CLERK PRESIDING OFFICER
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the
day of
M.,E.S.T.
CITY CLERK
Approved and signed by me thisday of, 197,
at the hour of o'clockM., $E.S.T.$
MAYOR

## CONTRACT AND BOND

	OOIVARIAOA	TAIND DOIND
This	Agreement, Made	and entered into as of the 10th day of
July		tween
	BERCOT, INC.	
mental ther	601.	the first part, and the City of Fort Wayne, County of of Public Works, party of the second part, under and by state of Indiana, entitled "An act concerning municipal provisions of all acts amendatory thereto and supple-
WITNES		part covenants and agrees to construct. UTION NO. 853-1971; MODIFIED FOR
Branch Sewer	ALIERNATE ROUTING	,
Southeast co terior angle South and pr South and pr projecting a	orner of Northeast ‡ of Southwe e of 63° 52' and project a dist rojecting a distance of 347 fee	8 ± L.F. South and 50 ± L.F. West of the st ½ of Section 27; thence, turning an inance of 220 ± L.F. West; thence, turning t; thence, turning an angle of 131° 34' thence, turning an angle of 149° 35' and e, turning an angle of 156° and projecting oposed manhole.
Lateral #1		
(U.S. Hwy. #	t a new manhole located 28 ± L. (33); thence, Northwesterly alo	F. of the North right of way of Goshen Road ng said North right of way a distance of hole.
Lateral #1-A	<u> </u>	
Beginning at right of way right of way manhole.	a new manhole located 36 $\pm$ L. vintersection of Harris and Go of Harris Road a distance of	F. South of the Northeast corner of the shen Roads; thence, North along the East 1,200 <u>+</u> L.F. terminating at a proposed
Lateral #2		
corner of Lo of 73° and p Northeasterl	ot #1 in Crestwood Addition Ame projecting a distance of 450 fe	F. North and 8 ± L.F. West of the Southwest nded; thence, turning an angle to the North et to the right of way of Butler Road; thence of Butler Road for a distance of 1,034 feet
Lateral #2-A	<u>.</u>	
intersection	ı of Butler Road and Butler Cou	North and 5 feet East of the caterline rt; thence, Northwesterly along the East 1,094 $\pm$ L.F. terminating at a proposed man-
Said sewers	shall be 27, 10 and 8 inches i	n diameter.
All located IN WIT	in the Southwest \(\frac{1}{4}\) Section 27, TNESS WHEREOF, We, the foregoing	Township 31 North, Range 12 East.
day of	July 19 72	BERCOT, INC.
		BERGH, INC.
•	ſ	ITS: pendent
	ontract approved of us this 26	Contractor, party of the first part.
This co	intract approved by us this de	BOARD OF PUBLIC WORKS, Party of the second part.
-K-Y-Con	in A Millians	O ( P )
APPRIOV	(ED AS TO FORM AND LOADS	Mayor Mayor

for the Following Prices

8" VCP C-700 "O-Ring" 10" RCP C1. IV 27" RCP C1. II Standard Conc. Manhole 48" Ty.IV Standard Drop Sewer Pipe 8" 6" Concrete Curb 6" Concrete Pave. for Drives 9" Deep Strength Asph. Pave. 4" Asph. Over 6" Stone for Drives	Seven Dollars	8.65 10.45 23.20 555.00 50.00 8.00 12.00 7.00	
3" Crushed Stone Pave for Drives & Berms	T D 11		
	Two Dollars Four Dollars	2.00	
27" RCP C1. III		4.00	
6" Taps T or Y to P.L. (incl.Permi	Twenty Three Dollars & Sixty Five Co		
#53 Stone for Street Grossing only	() Iwo nunared Dollars	200.00	
		6.00	
Seeding & Mulching		1500.00	
or DCD - Class	Ninety Cents	.90	
27" RCP in Steel Liner	Ninety One Dollars	91.00	
Asphalt Road Cutter	Ten Dollars	10.00	

The said party of the first part further agrees to do and perform all of said work to the entire satisfaction of the Board of Public Works and to complete the same within 180 days after the date of Execution of this contract. To each of the conditions and stipulations of this contract the undersigned bind themselves, their successors and assigns.

		-		
	IN WITNESS WHEREOF, We, the for	egoing	named parties hereunto set our hands this	loth
day	of July 19	72_	BERCOT, INC.	
	,		BY: Yank Bucot	
	. '		ITS: ( Jeudent	
		, the	Contractor, party of the first p	art.
$\overline{}$	This contract approved of us this	(c -	day of July 19	721
	12 Doewell			
3	0 11103/		BOARD OF PUBLIC WORKS,	
	I conside the south		Party of the second part.	
gl-	Julia I Muina		0.1180000	
-	APPROVED AS TO FORM AND LEGALITY	6	13 4 1 1 1 6 0 0 0 0 0 1	Mayor
	Atrof t Lance		1	

The said party of the first part expressly agrees to make the improvements herein specified in state.
accordance with the provisions of <u>LOCAL</u> Improvement Resolution No. 253 and in accordance with the plans, profiles and specifications for the improvement on file in the office of the Department of Public Works of said city. The resolutions, profiles, plans, specifications and bids, for work herein specified are hereby made a part of this contract as fully and effectually as if herein set out in full.
The said party of the first part further agrees to do and perform all of said work to the entire satis-
faction of the Board of Public Works and to complete the same within 180 days after the date of Execution of this contract. To each of the conditions and stipulations of this contract the undersigned bind themselves, their successors and assigns.
IN WITNESS WHEREOF, We, the foregoing named parties hereunto set our hands this loth
day of July 19 72
BERCOT, INC.
BY: Your Buch
ITS: ( Aladdent
Contractor, party of the first part.
This contract approved or us this 26 day of July 19 72
A Longell 1
BOARD OF PUBLIC WORKS, Party of the segond part.
MAYOUT TO THE MAYOR MAYOR
APPHOVED AS TO FROM AND LEGALITY
Stool + Logica
1/1, 2:

## LIABILITY BOND

KNOW ALL MEN BY THESE PRESENTS, That we.	
BERCOT, INC	
as principal and	
as surety, are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of TWO HAND SIXTY SEVENTEEN THOUSAND SEVEN HUNDRED SEVENTY THREE DOLLARS FIVE CENTS (8 217,773 for the payment of which well and truly to be made we jointly and severally bind ourselves, of executors, administrators and assigns firmly by these presents.  The condition of the above obligations are such, that if the above named party of the first is	65) ur heirs,
faithfully comply with the foregoing contract made and entered into the	
sewer as to the workmanship, material and conditions for the period of Three (3) years, acc the true intent and meaning thereof in all respects, then this obligation to be void, otherwise remain in full force and virtue in law and in the event the said City shall extend the time for pletion of said work, such extension shall not in any way release the sureties on this bond.  Witness our hands and seals this 10th day of July 19	to be and the com-
BERCOT, VINC.	(SEAL)
ENERAL INSURANCE COMPANY OF MERICA BY: Xaul Berech	(SEAL)
TIS: Justlent	(SEAL)
Approved this 25- day of July, 1972	(SEAL)
Round & Bourn Board of Public Works.	

The Contractor will furnish immediately a certificate from the Industrial Board of the State of Indiana, that he has complied with Sections, 5, 68, 69 of the Workmen's Conpensation Act, approved March 14, 1929, in accordeance with Section 14 of the Compensation Act (Acts 1929, page 545, being Section 9459 of Burns Annotated Statutes Volume IV). (Section 40-1214 Burns Annotated 1952 Revision - Wolume VIII).

# GUARANTY BOND

KNOW ALL MEN	BY THESE PRESENTS, '	That we
	BERCOT, INC	Contractor
a neinsinal and	GENERAL INSURAN	CE COMPANY OF AMERICA OF SEATTLE,
WASHINGTON		
s surety, are held and f	rmly bound to the City of	Fort Wayne, Indiana, in the sum of TWO_HUNDRED_
SEVENTEEN THOUSAND	SEVEN HUNDRED SEVENTY	AND SIXTY THREE DOLLARS FIVE CENTS(\$ 217,773.65
	h well and truly to be made s, and assigns firmly by t	e we jointly and severally bind ourselves, our heirs these presents.
The conditions of t	he above obligations are, t	hat whereas the said
	BERCOT, INC.	
did on the	day of	enter into a contract with the Cit
of Fort Wayne, Indiana,	by and through its Board o	f Public Works, for the construction of a sewer in an
along (For Desc	ription See Page 1)	
	***************************************	No. of Publisher and Control of Publisher and Publisher an
	as provided in the aforesa	so warranting and guaranteeing the work, material and contract, plans and specifications.
	shall faithfully	perform and fulfill all the requirements of said wa
renty and quaranty, and	make all repairs required t	under said guarantee, and in the manner provided fo
	and void otherwise to be i	
WITNESS our har	ids and seals this Z 10	th day of July 19 72
		BERCOT, INC. (SEAI
eneral insurance	COMPANY OF AMERIC	1 1 1 6
33 & Manly	-tully-	BY: Aul Duco (SEAI
Attorney-in-la	ct //	ITS: Grendent (SEAT
Approved this	26 th day of	July, 1972
(C) A	- B 18	
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1000	1/1 CS	
1 Roule	1255man	· · · · · · · · · · · · · · · · · · ·
Roule	Board of Public Works.	D.

### DEPARTMENT OF PUBLIC WORKS OFFICE OF THE BOARD CITY HALL

Whom It May Concern	1:	F	ort Wayne, I	nd.,	19
The time in which to	complete the wi	thin cont	ract is hereb	y extended by the	Board of Public
orks of the City of Fort	Wayne, Indiana,	until			
•				T C & 4 E SEE SEESE SECTE TOWNS SEE STREET AND SECTION SECTIONS	************************
				Board of Pu	blic Works.
	DEPARTM	ENT OF	PUBLIC WO	RKS	
	OF		HE BOARD		
		CITY E	i.A.L.L.		
Whom It May Concern	1:	F	ort Wayne, I	nd.,	19
The time in which to					
orks of the City of Fort	wayne, Indiana,	until			
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				Board of Pu	buc Works.
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d No.		Dollars	OF	for	a AND



#### POWER OF ATTORNEY

2388		

### KNOW ALL MEN BY THESE PRESENTS:

That General Insurance Company of America, a Washington corporation, does hereby appoint

its true and lawful attorney(s)-in-fact, with full authority to execute on behalf of the company fidelity and surery bonds or undertakings and other documents of a similar character issued by the company in the course of its business, and to bind General Insurance Company of America thereby as fully as if such instruments had been duly executed by its regularly elected officers at its home office.

IN WITNESS WHEREOF, General Insurance Company of America has executed and attested these presents

AN Hammersla SETPLEARY

Andre H. Sweary min

### CERTIFICATE

### Extract from the By-Laws of General Insurance Company of America:

"Article VI, Section 13. – FIDELITY AND SURETY BONDS... the Chairman of the Board of Directors, the President, any Vice President, and the Secretary shall each have authority to appoint individuals as autorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surery bonds and other documents of similar character issued by the company in the course of its business.

"The power of appointment granted in this paragraph to the officers enumerated may be exercised by each of them severally, regardless of the availability or unavailability of the other officers enumerated. On any instrument making of evidencing such appointment the signatures may be affixed by facsimile.

"On any instrument conferring such authority or on any bond or undertaking of the company the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

I, W. D. Hammersla, Secretary of General Insurance Company of America, do hereby certify that the foregoing is a true and correct copy of Article VI, Section 13 of the By-Laws of said corporation and of a power of attorney executed pursuant thereto and that both said By-Laws and said power of attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hercunto set my hand and affixed the facsimile scal of said corporation

CORPORATE SEAL SE

this	l0thday	of July ,	19_72
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Hammersla STERELLARY

## City Clerk Memorandum

To	Property Owners and Residents Date March 14, 1973
From	City Clerk of Common Council, City of Fort Wayne, Indiana
Subject	Public Committee Hearing - RE: Special Ordinance No. S-73-02-22

COPIES TO:

Neuhaus Ditch Sewer

To: Property Owners Affected

You are hereby notified that on March 20, 1973, at 7:30 P.M., the Common Council of the City of Fort Wayne, Indiana, through the Standing Committee on Public Works will, conduct a hearing proposing an agreement with BERCOT, INC., for construction of the Neuhaus Ditch Sanitary Sewer, Ordinance BILL NO. S-73-02-22. Said hearing will be conducted in the Common Council Chambers, 1st floor City-County Building.

As a property owner affected by any assessment for payment of said project, you may be heard at said hearing.

Common Council of the City of Fort Wayne, Indiana, through the Office of the City Clerk, Charles W. Westerman



COMMON COUNCIL
CITY OF FORT WAYNE
ONE EAST MAIN ST.
FORT WAYNE, INDIANA 46802

WINFIELD C. MOSES, JR. PRESIDENT OF THE CITY COUNCIL & COUNCILMAN - FIFTH DISTRICT

April 19, 1973

### NEUHAUS SEWER

- Problem 1- A City annexed an essentially rural area. No where else INSIDE the City can such a large tract of vacant land be found. For example there is one person on a twenty-two acre tract who is assessed \$19,000.00. The normal urban situation is five residents per acre or over 100 residences on a tract this size. This would result in normal assessment of less than \$200.00 per resident, guite reasonable.
- Problem 2The City cannot disannex this area. We must live with the problem.
  So if the City wants to develop a rural situation using urban criteria, it is going to be expensive. But it is not realistic to expect the land owners to absorb such high costs. A different formula must be arranged to be equitable. There is no law that mandates assessment formulas. In the area of Wildwood Avenue and Dinnen Avenue, the City paid:75% of the costs of sewer installation last year.

To be equitable, I believe the City is going to have to accept a larger proportion of the entire project. I recognize we have limited funds; however, sometimes we have to pay the piper. If we want to develop such a rural type area, we must accept use of more City funds and therefore, reduction of some other projects.

I would suggest a figure of 80% City participation. Recovery of these funds could be attempted through sewer assessments upon development. In several areas when I hook into a preexisting sewer, I have to pay a per foot assessment. This is possible today since the City would own the minos and is building them in sewer easements. If this is not acceptable to the Board of Works, I suggest we ask that the City participate at its own expense in a greater amount.

- Problem 3- A definite sewer problem exists and must be remedied.
- Problem 4- If the City does not increase its participation, we are literally throwing several organizations and individuals off their land. I cannot vote to take peoples' homes away from them!

Sincerely,

Winfield C. Moses, Jr. Common Council President

Admn. Appr.

### DIGEST SHEET

TITLE OF ORDINANCE Special Ordinance #3073
DEPARTMENT REQUESTING ORDINANCE Board of Public Works
SYNOPSIS OF ORDINANCE Pursuant to discussion during Council briefing February
21, 1973, the Board wishes to resubmit the contract of Bercot, Inc. in amount of
\$217,773.65 for construction of sanitary sewers in the Neuhaus Ditch area.
EFFECT OF PASSAGE
EFFECT OF NON-PASSAGE
MONEY INVOLVED (Direct Costs, Expenditures, Savings) city's share of project
is approximately \$ 140,571.65 with balance to be paid by property owners.
FORT WAYNE, IND.
Final DEGETAL OFFERSONS
ASSIGNED TO COMMITTEE (#N.) Public Cook CHARLES W. WESTERMAN
Public Worls

D-73-02-27.

	ordinance no. 1-52-13		X	VOTE SHEET			A PRODUCTION OF THE PROPERTY O
Х	regular session 2-27-73	P. Consultation of the Con		PURCHASE ORDERS			
	SPECIAL SESSION			BIDS ORDERS, BIDS OR OTHER PAPERS			
	APPROVED AS TO FORM AND LEGALITY  AND LEGALITY	to the same of		TAKEN OUT AND BY WHOM			
	BILL WRITTEN BY Bd. of Partic Works			LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY			
	DATE INTRODUCED 2-27-73	-	COMMUNICATIONS FROM				
	REFERRED TO SAID STANDING COMMITTEE Quello Works		ZONING MAPS				
	REFERRED TO CITY	Spinish	Contract + Bout.				
	FLAN	and pure		ABSTRACTS Bown of October			
	LEGAL PUBLIC HEARING			TITLES Dua	nety.	Burk	/
	TEGAL PUBLICATION		and the same of th	PRIOR APPROVA			
	JOINT HEARING		Diges Drech.				
	DEPARTMENT HEARING		0	COUNCILMAN'S	.7	NAYS	ABSENI
	HOLD FILE			BURNS	Ý		
X	PASS 5-8-73			KRAUS	Y		
	DO NOT PASS			MOSES	X		
	•			NUCKOLS			
	WITHDRAWN			D. SCHMIDT	X		
	SUSPENSION OF RULES			V. SCHMIDT	X	-	
	PRICE APPROVAL			STIER	X		
	ORDINANCE TAKEN OUT	,		TALARICO		,	L
	OF OFFICE		COMMENTS: Held-				
	OTHER INSTRUCTIONS REGARDING ORDINANCE	Consideration of the Constitution of the Const	-	n - recon	egels,	lotes	
	CORRECTIONS MADE TO ORDINANCE		4	mended. Exhi leter to fin	land.	Tin	nce
	PEOPLE SPRAKING FOR ORDINANCE	posporariza procuration	9	uter to fin	is pe		
	PEOPLE SPEAKING AGAINST ORDINANCE	- Constitution of the Cons					